

## § 159.1

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AUTHORITY: 33 U.S.C. 1322(b)(1); 49 CFR 1.45(b) and 1.46(l) and (m). Subpart E also issued under authority of sec. 1(a)(4), Pub. L. 106-554, 114 Stat. 2763; 49 CFR 1.46(ttt).

SOURCE: CGD 73-83, 40 FR 4624, Jan. 30, 1975, unless otherwise noted.

### Subpart A—General

#### § 159.1 Purpose.

This part prescribes regulations governing the design and construction of marine sanitation devices and procedures for certifying that marine sanitation devices meet the regulations and the standards of the Environmental Protection Agency promulgated under section 312 of the Federal Water Pollution Control Act (33 U.S.C. 1322), to eliminate the discharge of untreated sewage from vessels into the waters of the United States, including the territorial seas. Subpart A of this part contains regulations governing the manufacture and operation of vessels equipped with marine sanitation devices.

#### § 159.3 Definitions.

In this part:

*Coast Guard* means the Commandant or his authorized representative.

## 33 CFR Ch. I (7-1-04 Edition)

*Discharge* includes, but is not limited to, any spilling, leaking, pouring, pumping, emitting, emptying, or dumping.

*Existing vessel* includes any vessel, the construction of which was initiated before January 30, 1975.

*Fecal coliform* bacteria are those organisms associated with the intestine of warm-blooded animals that are commonly used to indicate the presence of fecal material and the potential presence of organisms capable of causing human disease.

*Inspected vessel* means any vessel that is required to be inspected under 46 CFR Ch. I.

*Length* means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments are not to be included in the measurement.

*Manufacturer* means any person engaged in manufacturing, assembling, or importing of marine sanitation devices or of vessels subject to the standards and regulations promulgated under section 312 of the Federal Water Pollution Control Act.

*Marine sanitation device* and *device* includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.

*New vessel* includes any vessel, the construction of which is initiated on or after January 30, 1975.

*Person* means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

*Public vessel* means a vessel owned or bare-boat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

*Recognized facility* means any laboratory or facility listed by the Coast Guard as a recognized facility under this part.

*Sewage* means human body wastes and the wastes from toilets and other

receptacles intended to receive or retain body waste.

*Territorial seas* means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of 3 miles.

*Type I marine sanitation device* means a device that, under the test conditions described in §§ 159.123 and 159.125, produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visible floating solids.

*Type II marine sanitation device* means a device that, under the test conditions described in §§ 159.126 and 159.126a, produces an effluent having a fecal coliform bacteria count not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

*Type III marine sanitation device* means a device that is designed to prevent the overboard discharge of treated or untreated sewage or any waste derived from sewage.

*Uninspected vessel* means any vessel that is not required to be inspected under 46 CFR Chapter I.

*United States* includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands.

*Vessel* includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the waters of the United States.

[CGD 96-026, 61 FR 33668, June 28, 1996, as amended by CGD 95-028, 62 FR 51194, Sept. 30, 1997]

#### § 159.4 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of change in the FEDERAL REGISTER; and the material must be available to the public. All ap-

proved material is available for inspection at the Engineering Division, U.S. Coast Guard Marine Safety Center, 400 Seventh Street, SW., Washington, DC 20590, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected, are as follows:

*American Society for Testing and Materials (ASTM)*

100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

ASTM E 11-95, Standard Specification for Wire Cloth and Sieves for Testing Purposes—159.125

[USCG-1999-5151, 64 FR 67176, Dec. 1, 1999, as amended by USCG-2001-9286, 66 FR 33641, June 25, 2001; 69 FR 18803, Apr. 9, 2004]

#### § 159.5 Requirements for vessel manufacturers.

No manufacturer may manufacture for sale, sell, offer for sale, or distribute for sale or resale any vessel equipped with installed toilet facilities unless it is equipped with:

(a) An operable Type II or III device that has a label on it under § 159.16 or that is certified under § 159.12 or § 159.12a; or

(b) An operable Type I device that has a label on it under § 159.16 or that is certified under § 159.12, if the vessel is 19.7 meters (65 feet) or less in length.

[CGD 95-028, 62 FR 51194, Sept. 30, 1997]

#### § 159.7 Requirements for vessel operators.

(a) No person may operate any vessel equipped with installed toilet facilities unless it is equipped with:

(1) An operable Type II or III device that has a label on it under § 159.16 or that is certified under § 159.12 or § 159.12a; or

(2) An operable Type I device that has a label on it under § 159.16 or that is certified under § 159.12, if the vessel is 19.7 meters (65 feet) or less in length.